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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,561	12/07/2005	David Thompson	211-263	4543

22440 7590 02/12/2007  
GOTTLIEB RACKMAN & REISMAN PC  
270 MADISON AVENUE  
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NEW YORK, NY 100160601

EXAMINER
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HE, AMY

ART UNIT	PAPER NUMBER
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2858

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/537,561

Applicant(s)

THOMPSON, DAVID

Examiner

Amy He

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-12 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/07/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Election**

1. Applicant's election without traverse of Species I, claims 1-12 and 19 in the reply filed on August 2, 2006 is acknowledged.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Specification***

3. The disclosure is objected to because it refers to a figure (Figure 6) that does not exist (see specification page 12, line 18 and specification page 13, line 2). Appropriate correction is required.

### ***Claim Objections***

4. Claims 7, 12 and 19 are objected to because of the following informalities:
  - 1) Claim 12, line 1, phrase "the clamping ring" lacks antecedent basis.  
Replace the phrase with --mounting ring--.
  - 2) Claim 7, line 2, "the plate" lacks antecedent basis.
  - 3) Claim 19 is a replica of claim 10.

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (hereafter referred to as AAP)(see specification pages 1-2), in view of Drori et al. (U. S. Patent No. 6, 331, 768).

As for claim 1, AAP discloses (in specification pages 1-2)a rotary potentiometer (rotary potentiometer) for providing an output signal indicative of a position of a component (throttle position), the potentiometer comprising:

- a body (the body/ part for supporting the resistor coil);
- a member (rotatable shaft) moveable relative to the body and having an end portion for coupling to said component (throttle);
- a resistor (resistor coil) mounted to the body;
- a wiper (wiper) coupled to the member and forming a slidable electrical contact to the resistor (resistor coil).

As for claims 2-3, AAP discloses that the potentiometer is a rotary potentiometer for providing an output signal indicative of an angular position of said component (throttle position);

said member is a shaft (rotatable shaft) having an axis, the shaft being rotatable about the axis relative to the body;

said resistor (resistor coil, see specification page 1, lines 13-14) is mounted to the body in an arc (circular arc) around the axis.

Still referring to claims 1-3, AAP does not specifically disclose contactor means, for providing selectable contact positions to said resistor, of respective first and second

electrical conductors, so as to provide a selected operating section of said resistor/operating angle of said potentiometer.

Drori et al. discloses contactor means, for providing selectable contact positions to a resistor, of respective first and second electrical conductors (see the plurality of contact means numbered 0 to m as shown in Figure 1), so as to provide a selected operating section of the resistor/operating angle of the potentiometer, for the purpose of providing a coarse setting of the potentiometer (col. 4, lines 38-41).

A person of ordinary skill in the art would find it obvious at the time of the invention to modify AAP to incorporate the use of contactor means, for providing selectable contact positions to a resistor, of respective first and second electrical conductors, as taught by Drori et al., so as to provide a selected operating section of the resistor/operating angle of the potentiometer, for the purpose of providing a coarse setting of the potentiometer (col. 4, lines 38-41).

As for claims 4-5, AAP does not specifically disclose that each contact position is selectable by selection of a conductive contactor, comprise contactor fingers, from a plurality of conductive contactors such that only the selected contactor/ finger contacts the resistor.

Drori et al. discloses that each contact position is selectable by selection of a conductive contactor comprise fingers (the contact means/fingers labeled 0 to m as shown in Figure 1, connecting the conductive wiper) from a plurality of conductive contactors (the plurality of contact means 0 to m in Figure 1, connecting the conductive wiper) such that only the selected contactor finger contacts the resistor.

A person of ordinary skill in the art would find it obvious at the time of the invention to modify AAP to incorporate the use of a plurality of conductive contactor fingers, as taught by Drori et al., so that each contact position is selectable by selection of a conductive contactor finger from the plurality of conductive contactor fingers such that only the selected contactor finger contacts the resistor, for the purpose of providing a coarse setting of the potentiometer (col. 4, lines 38-41).

***Allowable Subject Matter***

6. Claims 6-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6, 8 and 10 are allowable because none of the prior art discloses a potentiometer comprising contactor fingers, wherein the contactor fingers are fingers of a contactor plate, the selected contactor finger being positioned by bending the finger relative to the plate so as to contact the resistor.

Claim 7 is allowable because none of the prior art discloses a potentiometer comprising contactor fingers, wherein the contactor fingers is selected by bending unselected fingers so that only the selected finger contacts the resistor.

Claims 9 is allowable because none of the prior art discloses two contactor plates, one for connection of each of the first and second electrical conductors to the resistor.

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Claims 11-12 are allowable because none of the prior art discloses a potentiometer, wherein the resistor coil is mounted to the body by means of a mounting ring which clamps the coil between the mounting ring and the body.

**Conclusion**

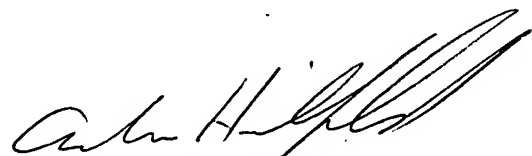
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy He whose telephone number is (571) 272-2230. The examiner can normally be reached on 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH

January 31, 2007.



ANDREW H. HIRSHFELD  
SUPERVISORY PATENT EXAMINER  
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